

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Implementation of the )  
Telecommunications Act of 1996 ) CC Docket No. 96-115  
 )  
Telecommunications Carriers' Use )  
of Customer Proprietary Network )  
Information and Other )  
Customer Information )

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**ERRATUM**

Excel Telecommunications, Inc. ("Excel"), by its attorneys, hereby respectfully submits this Erratum to add a concise summary to its Comments filed in the above-referenced proceeding on June 11, 1996.

The sole purpose of this filing is to bring Excel's filing into full compliance with the Commission's requirement that a summary be included with all comments and reply comments filed in this docket, regardless of length. Although Excel believes that its Comments include a very concise summary of the company's position on page 2, Excel wishes to ensure with the present filing that it fully complies with footnote 73 of the Commission's Notice of Proposed Rulemaking in this proceeding.<sup>1</sup> A cover sheet and table of contents are also included solely for organizational purposes.

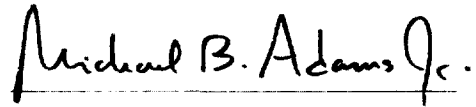
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<sup>1</sup> In re Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Notice of Proposed Rulemaking, FCC 96-221 at n.73 (May 17, 1996).

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WHEREFORE, Excel respectfully requests that the Commission accept the attached summary (along with cover sheet and table of contents) to correct the Comments it filed in this proceeding on June 11, 1996.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael B. Adams Jr." The signature is written in a cursive style and is positioned above a horizontal line.

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Dated: June 12, 1996

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**COMMENTS OF EXCEL TELECOMMUNICATIONS, INC.**

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June 11, 1996

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## **SUMMARY OF COMMENTS**

In its Notice of Proposed Rulemaking ("Notice") the Commission proposes issuing regulations that would clarify carrier obligations under Section 222 of the Telecommunications Act of 1996 ("1996 Act"). Excel Telecommunications, Inc. ("Excel") agrees with the Commission's tentative conclusion that such regulations are in the public interest, and Excel offers qualified support for the proposals.

As Excel's Comments demonstrate, a national system of uniform guidelines regarding customer proprietary network information ("CPNI") requirements is in the public interest, as it will enable carriers such as Excel to avoid inefficient and expensive exposure to varying state law requirements. Excel believes the Commission has the authority to enact such guidelines under the CPNI provisions of Section 222 and the data safeguard provisions of Section 275(d) of the 1996 Act.

Excel concurs with the Commission's tentative conclusion that Section 222(c)(1) requires that carriers may not use CPNI obtained from providing a customer with one service for purposes of marketing or providing another service. Excel further concurs with the Notice's tentative conclusion that Section 222(c)(1) should be read as distinguishing among telecommunications services based on traditional service distinctions, such as interexchange, local and commercial radio services.

Excel prefers that customers receive advance, written notice of their CPNI rights, since written notice is a superior means of assuring that customers make full and informed decisions. Excel also prefers that the Commission require written rather than oral authorizations by

customers regarding the use of their CPNI by carriers.

Excel supports the Commission's proposal that, in addition to the statutory requirements in Section 222, local exchange carriers be required to notify others regarding the availability of aggregate CPNI on a reasonable and nondiscriminatory basis before using such CPNI themselves.

Excel agrees with the Commission's intention to continue enforcement of the additional Computer III restrictions applicable to the Bell Operating Companies, GTE and AT&T pending the outcome of this proceeding. Finally, Excel supports the Commission's decision not to extend the pre-existing Computer III CPNI requirements to competitive carriers, since no need or basis for such an extension has been shown.